

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION

NOTICE OF MOTION NO. 1225 OF 2003

IN

TESTAMENTARY SUIT NO. 740 OF 2001.

Madhukar Balkrishna Birwadkar ... Deceased
Smt. Rajani Madhukar Birwadkar ... Petitioner.

AND

Mahanagar Telephone Nigam Ltd. ... Applicants.

Ms. Bina S. Shivnare for the Petitioner.

Mr. S.R.Rajguru for the MTNL.-Applicants.

CORAM : S.K.Shah, J.
DATE : January 20, 2005.

P.C.:-

1. This notice of motion is taken out by the applicant, seeking clarification of the Order, dated 24th July, 2002 as to how much amount, the applicants are required to pay/deposit.

2. The learned Counsel for the Petitioner, however, submits that the minor has attained the age of majority and has also consented for issuance of the succession certificate as prayed. Under the circumstances, she submits that there will be no need to comply the Order dated 24th July, 2002, as the entire dues of the deceased will have to be paid, after the Succession

Certificate is issued.

3. Under the circumstances, the prayers made in the notice of motion needs no consideration. The notice of motion stands disposed of accordingly.

4. The Order dated 24th July, 2002 need not be complied with by the applicant.

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[S.K.Shah, J.]